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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

2011 MAR 21 P 2:39

Arizona Corporation Commission

DOCKETED

MAR 21 2011

DOCKETED BY

[Signature]

IN THE MATTER OF THE APPLICATION
OF GROOM CREEK WATER USERS
ASSOCIATION FOR APPROVAL OF AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-01865A-11-0057

PROCEDURAL ORDER

BY THE COMMISSION:

On January 31, 2011, Groom Creek Water Users Association ("GCWUA" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of an extension of its Certificate of Convenience and Necessity ("CC&N"). GCWUA's application states that GCWUA is requesting authority to extend its CC&N to include areas adjacent to its current service area. The proposed extension area includes Groom Creek Estates No. 1 and No. 2, portions of the Webfoot Lode Mining Claim Subdivision, and a park site in Yavapai County, Arizona.

On February 16, 2011, GCWUA filed an affidavit of public notice showing that notice of the CC&N application had been published on February 10, 2011, in *The Daily Courier*, a daily newspaper in the proposed extension area.

On March 1, 2011, the Commission's Utilities Division ("Staff") filed a Sufficiency Letter in this docket stating that GCWUA's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

On March 8, 2011, GCWUA filed an amended legal description for the CC&N extension area.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall commence on **May 26, 2011, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, 1200 West Washington, **Room 100**, Arizona 85007.

IT IS FURTHER ORDERED that GCWUA shall provide public notice of the hearing in this matter, in the following form and style, with the heading in no less than 12-point bold type and the body in no less than 10-point regular type:

**IN THE MATTER OF THE APPLICATION OF GROOM CREEK WATER
USERS ASSOCIATION FOR APPROVAL OF AN EXTENSION OF ITS
CERTIFICATE OF CONVENIENCE AND NECESSITY.
(DOCKET NO. W-01865A-11-0057)**

On January 31, 2011, Groom Creek Water Users Association ("GCWUA" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of an extension of its Certificate of Convenience and Necessity ("CC&N"). GCWUA's application states that GCWUA is requesting authority to extend its CC&N to include areas adjacent to its existing service area. The proposed extension area includes Groom Creek Estates No. 1 and No. 2, portions of the Webfoot Lode Mining Claim Subdivision, and a park site in Yavapai County, Arizona. The Commission's Utilities Division ("Staff") has not yet made a recommendation regarding the application, and the Commission is not bound by the proposals made by GCWUA, Staff, or any intervenors. The Commission will issue a Decision regarding the application following consideration of testimony and evidence presented at an evidentiary hearing. A copy of the application is available at GCWUA's offices [insert addresses] and at the Commission's offices at 1200 West Washington Street, Phoenix, Arizona, for public inspection during regular business hours, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on the application on **May 26, 2011, at 10:00 a.m.**, at the Commission's offices, in Room 100, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No W-01865A-11-0057 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or via e-mail.

For a form to use and instructions on how to e-mail comments to the Commission, go to <http://www.azcc.gov/Divisions/Utilities/consumerservices.asp>. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you wish to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than **April 22, 2011**, and send a copy of the motion to GCWUA or its counsel and to all parties of record. Your motion to intervene must contain the following:

1. Your name, address, and telephone number and the name, address, and telephone number of any party upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of GCWUA, etc.); and
3. A statement certifying that you have mailed a copy of the motion to intervene to GCWUA or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before April 22, 2011. If representation by counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned upon the intervenor's obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Shaylin Bernal, email SABernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that **GCWUA shall mail a copy of the above notice to each property owner in the proposed extension area** and shall cause the above notice to be published at least once in a newspaper of general circulation in the proposed extension area, with **publication and mailing** to be completed no later than **April 8, 2011.**

IT IS FURTHER ORDERED that **GCWUA shall file certification of mailing and publication** as soon as practicable after mailing/publication has been completed, but no later than **April 22, 2011.**

IT IS FURTHER ORDERED that **notice shall be deemed complete upon mailing/publication**, notwithstanding the failure of an individual to read or receive the notice.

IT IS FURTHER ORDERED that the **Staff Report and any associated exhibits**, to be presented at hearing shall be reduced to writing and filed on or before **April 18, 2011.**

IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be reduced to writing and filed on or before **May 6, 2011.**

1 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
 2 105, except that all motions to intervene must be filed on or before **April 22, 2011**.

3 IT IS FURTHER ORDERED that any **objections to any Motions to Intervene** shall be filed
 4 on or before **May 6, 2011**.

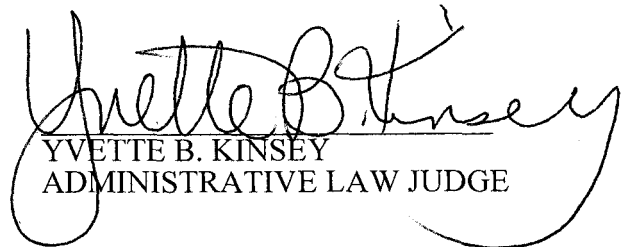
5 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
 6 Communications) applies to this proceeding as the matter is now set for public hearing, and shall
 7 remain in effect until the Commission's Decision in this matter is final and non-appealable.

8 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
 9 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

10 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
 11 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
 12 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
 13 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for
 14 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
 15 Law Judge or Commission.

16 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
 17 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

18 DATED this 21st day of March, 2011.

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 21 
 YVETTE B. KINSEY
 ADMINISTRATIVE LAW JUDGE


22 Copies of the foregoing mailed
 23 this 21st day of March 2011, to:

24 Kal Miller, Secretary
 GROOM CREEK WATER USERS ASSOCIATION
 P.O. Box 3897
 25 Prescott, AZ 86302

26 Janice Alward, Chief Counsel
 Legal Division
 ARIZONA CORPORATION COMMISSION
 27 1200 West Washington Street
 Phoenix, Arizona 85007

Steven M. Olea, Director
 ARIZONA CORPORATION COMMISSION
 1200 West Washington Street
 Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
 2200 North Central Avenue, Suite 502
 Phoenix, AZ 85004-1481

By: 
 Debra Broyles
 Secretary to Yvette B. Kinsey